

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of

**PACIFIC COASTAL AIRLINES LIMITED
d/b/a WestJet Link**

For a foreign air carrier permit pursuant
to 49 U.S.C. § 41301 and exemption
authority pursuant to 49 U.S.C. § 40109
(U.S. – Canada)

Docket DOT-OST-2021-

**MOTION OF PACIFIC COASTAL AIRLINES LIMITED d/b/a WESTJET LINK
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

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November 24, 2021

**BEFORE THE
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Docket DOT-OST-2021-

**MOTION OF PACIFIC COASTAL AIRLINES LIMITED d/b/a WESTJET LINK
TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Pursuant to Rule 12 of the Department’s Rules of Practice, 14 C.F.R. §302.12, Pacific Coastal Airlines Limited (“Pacific Coastal”) hereby moves to withhold from public disclosure the contents of the following information in Pacific Coastal’s application requesting a foreign air carrier permit pursuant to 49 U.S.C. § 41301 and exemption authority pursuant to 49 U.S.C. § 40109 in order to engage in charter foreign air transportation of persons and property, which is simultaneously being filed with the Department. In accordance with Rule 12, each page of the document has been marked “Confidential Treatment Requested Under §302.12” and is being filed under seal.

Information to be Withheld

A 3-page summary of Pacific Coastal’s financial statements, including a balance sheet and a statement of income for 2019 and 2020.

This information is protected from public disclosure under the Freedom of Information Act exemption for privileged or confidential financial information. See 5 U.S.C. § 552(b)(4). To be eligible for an exemption pursuant to Section 552(b)(4), information must fulfill three requirements: (1) the information

must be commercial or financial in nature; (2) the information must be obtained from a person outside of the U.S. Government; and (3) the information must be confidential or privileged.

The information contained in the financial summaries satisfies each element of the statutory test. First, the information consists of financial summaries of the company and as such is both commercial and financial in nature. Second, the information has been obtained from representatives of Pacific Coastal, who are persons outside the U.S. Government. Third, the information is confidential; Pacific Coastal is a privately held company and the public release of this commercially sensitive information would provide Pacific Coastal's commercial rivals with an unwarranted competitive advantage. Given its availability to the Department, public disclosure of the financial information is not required in order to further the public interest, and granting confidential treatment would be consistent with long-standing Department practice. *See, e.g.*, DOT Order 2021-10-5, Order Granting Exemption and to Show Cause, October 12, 2021 (European Cargo Limited) p. 3; DOT Order 2009-1-20, Order Granting Exemption and to Show Cause, January 29, 2009 (Orbest, S.A.), p. 2; DOT Order 2008-4-21, Order Renewing and Amending Exemption and to Show Cause, April 14, 2008 (TAG Aviation (UK) Ltd.), p. 3; Notice of Action Taken, Docket OST-2007-27402, June 20, 2007 (Porter Airlines Inc.), p. 2.

WHEREFORE, Pacific Coastal Airlines Limited respectfully requests that the contents of the financial summaries be accorded confidential treatment under Rule 12.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify on this 24th day of November 2021 a copy of the foregoing Motion to Withhold Information from Public Disclosure has been served by electronic mail on the parties named below.

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Vanessa C. Krasniewicz

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Robert Wirick (American)
John B. Williams (American)
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